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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
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21186	7590 03/24/2003				
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.			EXAMINER		
P.O. BOX 293	•	•	ROBERT, EDUARDO C		
MINNEAPOI	LIS, MN 55402				
			ART UNIT	PAPER NUMBER	
	•		3732		
	DATE MAILED: 03/24/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.    Application   Application	, ¹ <b>-</b> -			-		N.K			
Examiner Eduardo C. Robert 3732  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Exercises of time may be available under the provisions of 3° CFR 1.38(b). In no event, however, may a reply te simply field be a shared to the man by the available under the provisions of 3° CFR 1.38(b). In no event, however, may a reply te simply field be reply specified abover, the maximum standary pricinum of thirty (30) days will be considered kinety.  If the period for may be available under the provisions of 3° CFR 1.38(b). In no event, however, may a reply te simply field be reply field be reply specified abover, the maximum standary pricinum of thirty (30) days will be considered kinety.  If the period for reply specified abover, the maximum standary pricinum of thirty (30) days will be considered kinety.  If the period for reply specified abover, the maximum standary pricinum of the provision of the some pricinum of the provision of the pr			Applicati	on No.	Applicant(s)				
Eduardo C. Robert    2732	•.		09/932,14	<b>11</b>	PARMER ET AL.				
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Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION  Extensions of from may be available under the provisions of 37 PBT, 136(a), in no event, however, may a reply be timely filed  Extensions of from may be available under the provisions of 37 PBT, 136(a), in no event, however, may a reply be timely filed  Extensions of from may be available under the provisions of 37 PBT, 136(a), in no event, however, may a reply be timely filed  Extensions of from may be available under the provision of 37 PBT, 136(a), in no event, however, may a reply be timely filed  Extensions of from may be available under the main available provided and apply and will augine SIX (d) MAN HS from the nearing date of this communication.  If NO peered for reply is appointed above, the maximum statutory period will apply and will augine SIX (d) MAN HS from the nearing date of this communication.  Any early revised by the Official trush three mentions after the mailing date of this communication, even if timely filed, may reduce any caused platent term subjects ment is sent and the provision of the subject on sent its manufacture of the maximum statutory period will apply any any reduce any caused platent term subjects ment is sent any as the provision of Claims  1) Responsive to communication(s) filed on			Eduardo (	C. Robert	3732				
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be willout under the proteined of 3° CFR 113(s). In no event, however, may a noply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  Fallure SIX (6) MONTHS from the mailing date of this communication.  Fallure is reply within the set of extended period of the soft of the communication.  Fallure to reply within the set of extended period for reply will, by statute, cause the spoilation to become ARANDONED (35 U.S.C. § 133).  Any reply received by the Office the main terine mailing date of this communication, even if timely fixed, may reduce any  Status  1) Responsive to communication(s) filed on									
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)  1-24 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  is/are allowed.  6)  Claim(s)  is/are rejected.  7)  Claim(s)  is/are objected to.  8)  Claim(s)  1-24 are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10  The drawing(s) filed on  is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on  is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1.  Certified copies of the priority documents have been received in Application No.  2.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 19(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.  Attachment(s)	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
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	2) Notice	of Draftsperson's Patent Drawing Review (PT		5) Notice of Informal					

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## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-14, drawn to a device, classified in class 606, subclass 108.
- II. Claims 15-24, drawn to method, classified in class 248, subclass 689.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practice by any adjustable clamp.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

This application contains claims directed to the following patentably distinct species of the claimed invention:

- I. Figure 3
- II. Figure 11a

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Figure 12a III.

IV. Figure 14a

Figure 19a V.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 15 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

A telephone call was made to Suneel Arora on 3/20/03 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo C. Robert whose telephone number is 703-305-7333. The examiner can normally be reached on Monday-Friday, 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on 703-308-2582. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

> Eduardo C. Robert Primary Examiner Art Unit 3732

E.C. Robert March 20, 2003